IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

Bail Appl..No. 5032 of 2007()

CLMP.995/2007 of DISTRICT COURT, KALPETTA
CRIME NO.333/07 OF SULTHANBATHERY POLICE STATION

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: PETITIONERS:

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1. ISMAIL, S/O. KUTTYASSAN,
   CHERIYALA HOUSE, KODUVALLY VILLAGE,KOZHIKODE TALUK

2. RAFEEQUE, S/O. MUHAMMED,
   THALAPPADIKKAL HOUSE, KIZHAKKOTH VILLAGE,
   KOZHIKODE TALUK.

BY ADV. SRI.P.SANJAY
SRI.M.MUHAMMED SHAFI

RESPONDENTS:

STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
SULTHAN BATHERY POLICE STATION THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 5032 OF 2007

Dated this the 20th day of August, 2007

ORDER

Application for regular bail. The petitioners are accused 1 and 2. Altogether, there are two accused persons. A crime was registered after arresting the petitioners under suspicious circumstances. They were found in possession of a huge amount of Rs.61,70,500/- without any valid documents. They were taken into custody on 24/7/07. They continue in custody from that date. The F.I.R. is registered only under Sec.41(1)(d) of the Cr.P.C.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. According to the petitioners, they have valid explanation as to how they were in possession of this huge quantity of Indian currency notes. In these circumstances, the continued detention of the petitioners is absolutely unnecessary. They may now be enlarged on bail,

prays the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the said prayer. The learned Public Prosecutor submits that the seized currency notes as well as all the relevant documents have been handed over to the officials of the Enforcement Directorate. It is for them to take necessary action under the Foreign Exchange Maintenance Act. The police have now no objection against the release of the petitioners on bail subject to appropriate conditions, submits learned Public Prosecutor. I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

4. **In the result:**

(a) The application is allowed.

(b) The petitioners shall be released on bail on the following terms and conditions:

(i) The petitioners shall execute bonds for Rs.1,00,000/- (Rupees one laksh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) In such bonds, they shall undertake to appear before the learned Magistrate, the Investigating Officer or the

Officials of the Enforcement Directorate as and when directed by them in writing to do so.

Sd/-
(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge